

## School of Cinematic Arts Intellectual Property/Copyright Policy

A goal of SCA is to support the maximum exposure of Student-Produced Works so as to help advance the student's career. To that end SCA has developed this policy to help students learn and prosper while also providing necessary legal protections.

The following document is an explanation of the intellectual property and copyright practices and policy of the School of Cinematic Arts ("SCA") at the University of Southern California ("USC"), and requires your signature. This document applies only to students of the SCA. There are broader policies that apply to other units at USC and a description of the University Intellectual Property Policy is available of the USC website.

1. In general, intellectual property in any work produced at USC that uses substantial University resources is owned by USC and protected under a USC copyright. In the context of SCA this applies to most media, films and other audio/visual works produced in courses ("Student-Produced Works") that use SCA funds, equipment, guild agreements or insurance. However, works produced in some advanced graduate courses, such as Production 582, are not owned by USC because such coursework does not require use such USC resources, such as funds, equipment, guild agreements or insurance.
2. Where USC owns the intellectual property rights of a Student-Produced Work that you have helped to produce through SCA, you personally are protected with Workman's Compensation insurance and with Errors and Omissions insurance (referred to in industry as E & O insurance) and included under SCA's agreement with the Screen Actors Guild of America. What this means is that with respect to such Student-Produced Works you do not have to seek these protections and contractual arrangements on your own; these can be very time consuming and difficult to get as an individual. E & O insurance is something few students even know about, but it is generally required by companies who want to distribute or further develop your work.
3. **USC DOES NOT HOLD THE UNDERLYING RIGHTS OF STUDENT-PRODUCED WORKS.** Even though USC may own the copyright rights to a Student-Produced Work that is an audiovisual work, the student retains ownership of intellectual property rights (including copyright rights) to the underlying script, idea, treatment, concept or other written work product related to any such audiovisual work ("Underlying Rights"). In other words if you later develop a feature, television show or game related to a Student-Produced Work that you created in a class here at USC/SCA, then you and your fellow creators will hold the rights entirely to any such new work developed and you do NOT need USC's permission to develop/sell/distribute it. USC will not make any claim on such new works or income from such new works.

We strongly advise that when a group undertakes to create a project you have a written agreement among you as to the ownership/control of the underlying rights. We have forms for such agreements that you can use at your own discretion.

4. With regard to computer software (specifically interactive media games and related projects) it can sometimes be difficult to define in these cases what constitutes “Underlying Rights.” Where computer programming activity merely uses commonly used computer resources (such as common personal computers and commonly used software, and as opposed to specialized computing equipment, software or operating systems), this would not be considered use of substantial University resources and the student would own all of the associated intellectual property rights. Even where it is determined that the University is the copyright holder of a Student-Produced Work that is computer software, generally the University will accommodate the student by providing an assignment or license in order to allow the student to move forward with a third party who may desire to commercially exploit the Student-Produced Work.
5. A goal of SCA is to support the maximum exposure of a Student-Produced Work so as to help advance the student’s career within the bounds of university policies. Student works are invaluable tools to display talent and may become the basis of commercial product, though such student works themselves rarely directly make money in the marketplace. However, on the rare occasions when a Student-Produced Work that is owned by USC does make money in distribution or otherwise, SCA has developed a formula for sharing the income with the student creators. A copy of this formula is available in the Office of the Director of Physical Production and in the Office of Student Industry Relations.
6. Distribution in festivals and on the Internet.

SCA has the Office of Student Industry Relations to help you distribute your work in festivals and on Internet sites. This office is available to sign the necessary forms for festivals and sites that require permission of the copyright holder. When you wish to distribute or post a work you have made in class, you should go to the Office of Student Industry Relations and they will check to see that all rights are cleared and help you with distribution. A packet on the services of the Office will be distributed shortly.

Many students ask about distribution on the Internet. SCA’s policy is that you may, without permission, put up to 10% of any work created in class on the Internet provided ALL RIGHTS are cleared. Why the 10% limit? One reason is to help you get exposure for your work. At this time, many festivals and most commercial companies will not accept your work if more than 10% has been previously published. In the case of interactive work such as games, 10% may not be sufficient and students should seek the written permission of their department chair to post beyond this limit.

There are works, such as those you create in course 290/507, that have no potential in festivals. These works may be posted on the Internet provided ALL RIGHTS are cleared and all the student creators agree in writing to the posting. However, in course 290/507 generally your faculty will not ask you to clear rights. Therefore in order to allow you to post these works that do not have standard clearances, on the Internet we have created a special website on the SCA Community Portal. You have or will have a designated access password for this website which you may give to those with whom you wish to share your work. The works will remain up during the period of the course and for some weeks afterwards. If you wish to post your work elsewhere, then you must complete a “production book” that includes the appropriate clearance forms just as you will in your advanced classes. The Office of the Director of Physical Production and the Office of Student Industry Relations can show you what is required.

You want to be careful about posting any project on the Internet that you think might be accepted in a festival. Festivals are one of the ways you are most likely to advance your career and you do not want to jeopardize your chances of having your work accepted. It is noted that many works from course 310/508 have won prizes in major festivals. For our interactive students the situation is somewhat different. Production students should seek the advice of the Office of Student Industry Relations and Interactive Media Students may want to additionally consult with your faculty. We can always find outside advisors for you as well.

7. Rights and clearances may seem like a very burdensome requirement. However, they are critical. Every year we face potential litigation from people who believe that our students have infringed on their rights – music, literary, locations, etc. There are many examples of student films that were never seen outside of class because the rights were not properly cleared. When this happens it is heartbreaking for everyone. So follow the guidelines carefully. Rights and clearances will be important to you as a professional once you leave SCA. Now is time to begin learning about these issues. We have guidelines to help you and a large library of pre-cleared music available for you to use.

There will be a seminar in the fall on rights and clearances and distribution. Please plan to attend. This knowledge is just as important for you as anything else you will learn at SCA. If you have questions the Office of Physical Production and the Office of Student Industry Relations are there to help you.

Please sign below acknowledging that you have read and understand this form and will abide by this USC/SCA intellectual property/copyright policy.

By: \_\_\_\_\_  
Print Name: \_\_\_\_\_  
Date: \_\_\_\_\_